

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOY OXNER,

Plaintiff,

v.

CLIVEDEN NURSING &
REHABILITATION CENTER PA, L.P., *et al.*,

Defendants.

CIVIL ACTION
NO. 14-07204

ORDER

AND NOW, this 17th day of September, 2015, upon consideration of Defendants' Motion to Dismiss Count VII of the Amended Complaint (ECF. No. 23), and Plaintiff's response in opposition thereto (ECF No. 25), it is hereby **ORDERED** that:

1. Defendants' motion is **GRANTED IN PART AND DENIED IN PART** ;
2. Plaintiff has sufficiently stated a claim pursuant to the Pennsylvania Wage Payment and Collection Law, 43 P.S. § 260.1, *et seq.*, in Count VII; and
3. Count VII of the amended complaint is **DISMISSED** to the extent that Plaintiff is seeking to recover her unpaid wages at an overtime rate of pay.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.